

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALL CRYPTOCURRENCY, VIRTUAL
CURRENCY, FUNDS, MONIES, AND
OTHER THINGS OF VALUE STORED IN
OR ACCESSIBLE AT BINANCE
ASSOCIATED WITH USER ID # 39344718,

Defendant,

8:23-CV-75

**DEFAULT JUDGMENT
AND DECREE OF FORFEITURE**

This matter comes on before the Court upon Plaintiff's Motion for Default Judgment and Decree of Forfeiture, [Filing 18](#), against the Defendant, all cryptocurrency, virtual currency, funds, monies, and other things of value stored in or accessible at Binance associated with User ID # 39344718, Tobenna Okolo, and any other unknown individuals and/or entities. For the reasons stated herein, the Motion is granted.

On March 1, 2023, the United States filed a Complaint for Forfeiture *In Rem* under [18 U.S.C. § 981\(a\)\(1\)\(A\)](#), (C), which permits the United States to bring a civil forfeiture action against property involved in certain criminal offenses. *See* [18 U.S.C. § 981](#). The Complaint alleged that the property at issue—cryptocurrency, virtual currency, funds, monies, and other things of value previously stored under the user identification number: 393447181, by Binance Holdings Ltd—was subject to civil forfeiture as property constituting or derived from proceeds of wire fraud and wire fraud conspiracy. [Filing 1 at 1–2](#). One of the usernames associated with account was Tobenna Newton Okolo. [Filing 1 at 10](#).

Upon receiving the Complaint, the Clerk of Court issued a Warrant for Arrest *In Rem* of the Defendant property pursuant to Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. [Filing 4](#). The Court also ordered publication of this action and of the arrest of the Defendant property. [Filing 6](#). Thereafter, the United States filed a declaration stating that notice of the civil forfeiture action had been posted on an official government internet site (www.forfeiture.gov) for at least thirty-consecutive days as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. [Filing 9](#).

On July 26, 2023, the United States filed an Amended Notice of Service, explaining that the United States Attorney's Office (USAO) served Tobenna Newton Okolo on March 1, 2023, with the Complaint, the Notice of Complaint for Forfeiture, and the Arrest *In Rem* by U.S. Mail to his address in Nigeria. [Filing 12 at 1](#). As represented by the United States, the letter was not returned as undeliverable. [Filing 14-1 at 1](#). The United States also sent Okolo the Complaint, Notice, and Warrant via email on April 27, 2023. Later, on July 27, 2023, Mr. Okolo emailed the USAO via his personal email address and acknowledged receiving notice in this case. [Filing 17-1](#).

At around this same time, the United States had several email exchanges with Attorney Eric Nwaubani, who had originally submitted Okolo's administrative claim for the property, trying to locate Okolo. [Filing 17 at 2](#). Nwaubani eventually informed the USAO that Okolo did not retain his services for this matter. [Filing 17 at 2](#).

As detailed in the declaration filed by the attorney representing the United States in support of its pending Motion, Okolo failed to file a valid Claim and Answer as required by Rule G(5)(b)

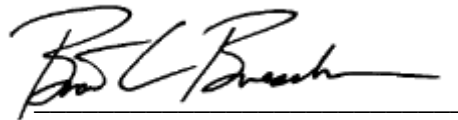
of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. [Filing 17 at 3](#). Therefore, the United States moved the Clerk of Court to enter default, and a Clerk's Entry of Default was entered against Okolo on July 27, 2023. [Filing 16](#). The United States represents that no other person or entity entitled to the Defendant property has filed a Claim or an Answer in response to Plaintiff's Complaint for Forfeiture *In Rem* within the time fixed by law. [Filing 17 at 3](#). Therefore, the Court will grant the United States' Motion for Default Judgment and Decree of Forfeiture. Accordingly,

IT IS ORDERED:

1. The Plaintiff's Motion for Default Judgment and Decree of Forfeiture is hereby granted;
2. All right, title and interest in or to the Defendant property held by any person or entity is hereby forever barred and foreclosed;
3. The Defendant property shall be and the same hereby is forfeited to the United States of America; and
4. The Defendant property shall be disposed of by the United States of America in accordance with law.

Dated this 28th day of July, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge